

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RUTH SMITH, Individually and as Widow)	
for the Use and Benefit of Herself and the)	
Next of Kin of RICHARD SMITH, Deceased,)	Case #: 3:05-00444
)	Judge Trauger
Plaintiff,)	
)	
-against-)	
)	
PFIZER INC., PARKE-DAVIS,)	
a division of Warner-Lambert Company)	
and Warner-Lambert Company LLC,)	
WARNER-LAMBERT COMPANY,)	
WARNER-LAMBERT COMPANY LLC and)	
JOHN DOE(S) 1-10,)	
)	
Defendants.)	

RESPONSE TO DEFENDANTS' OBJECTIONS TO PLAINTIFFS' EXHIBITS

Plaintiff Ruth Smith, as the Widow for the use and benefit of herself and the next of kin of Richard Smith, deceased, by and through her attorneys, hereby submits Plaintiff's Response to Defendants' Objections to Plaintiffs' Exhibits.

Below are Smith Plaintiffs' responses to Defendants' objections. This table represents the exhibits that are currently used in video clips designated by Plaintiffs or in Plaintiff witness statements. Given the extraordinary number of Defendants' objections and the very short time to respond, Plaintiffs are were unable to review the additional objections on Defendants' pages 24 to 79 and Plaintiffs do not concede that Defendants objections are valid for these documents.

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-0066	Medical Records: Heritage Medical Assocs	Authenticity	Cato			Plaintiffs' can not determine basis of Defendants' authenticity objection.
P-0110	Call Notes	Authenticity; Hearsay; Hearsay within hearsay; Relevance	Krancer;		Document represents that sales calls made by the company to Plaintiffs' doctor's medical practice. These records were created by Defendants' employees and maintained in the routine course of business by the Defendants and are therefore business records under F.R.E 803. Documents demonstrate the quantity and nature of the sales call made and show the persistence of contact between Defendants and Plaintiffs' doctors.	Document is a Rule 1006 Summary of data produced to Plaintiffs by Defendants
P-0111	Call Notes	Authenticity; Relevance	Krancer;		Document represents that sales calls made by the company to Plaintiffs' doctor's medical practice. These records were created by Defendants' employees and maintained in the routine course of business by the Defendants and are therefore business records under F.R.E 803. Documents demonstrate the quantity and nature of the sales call made and show the persistence of contact between Defendants and Plaintiffs' doctors.	Document is a Rule 1006 Summary of data produced to Plaintiffs by Defendants

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P-0119	Mackey Call Notes	Authenticity; Relevance	Mackey		Document represents that sales calls made by the company to Plaintiffs' doctor's medical practice. These records were created by Defendants' employees and maintained in the routine course of business by the Defendants and are therefore business records under F.R.E 803. Documents demonstrate the quantity and nature of the sales call made and show the persistence of contact between Defendants and Plaintiffs' doctors.	Document is a Rule 1006 Summary of data produced to Plaintiffs by Defendants
P-0121	Information	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing; Relevance: Plea	Taylor;	O		
P-0123	Affidavit of David Franklin	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Marketing; Relevance: Plea	Franklin;		Proper foundation for the document will be laid during the testimony of Dr. Franklin.	
P-0199	Metropolitan Police Department Homicide Unit Supplemental Report – Richard Smith	No Document Produced	Biggs;			

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P-2000	Warner-Lambert guilty plea in United States v. Warner Lambert dated June 7, 2004	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing; Relevance: Other Events; Relevance: Plea	Teicher	O		
P-2001	Information in United States v. Warner Lambert, dated May 13, 2004	Authenticity; Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing; Relevance: Other Events; Relevance: Plea	Blume	O		Document was authenticated in the Deposition of Martin Teicher dated 7/7/2006 on Page 89:4
P-2002	Sentencing Memorandum of the United States	Probative Value Outweighed; Relevance: Plea	Teicher	S		
P-2003	Division of Neuropharmacological Drug Products Combined Medical-Statistical Review NDA: 20-235, Indication: Adjunctive Medication	Hearsay; Probative Value Outweighed; Relevance: Other Events	Knapp		Document listed by Defendants as DX7563. Document is the records of a regularly conducted activity of a governmental agency and is excepted from hearsay under FRE 803(6) and FRE 803(8). This document is relevant because it contains a summary of the FDA's review of the safety of Neurontin at the time of the initial approval.	

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P-2005	Michael Trimble, Psychosis with Gabapentin (1995);	Authenticity	Trimble			Document has a Bates number from Defendants and is covered by stipulation of parites
P-2006	RE: GABA and PMDD	Hearsay within hearsay	Trimble		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients of the emails are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D)	
P-2015	Video of July 10, 2008 Advisory Committee Hearing	Hearsay; New Warning	Blume	P	Video is the public records of a regularly conducted activity of a governmental agency and is excepted from hearsay under F.R.E. 803(8). Court has previously ruled the evidence is admissible (ECF 199)	
P-2018	FDA Letter to Sponsors 12-2008	Hearsay; Probative Value Outweighed; Relevance: New Warning	Maris	P	Document is the public records of a regularly conducted activity of a governmental agency and is excepted from hearsay under F.R.E. 803(8). Court has previously ruled the evidence is admissible (ECF 199)	
P-2020	Disclosure of Information By David Franklin (Exhibit 3)	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing; Relevance: Plea	Franklin			

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P-2061	Gabapentin Data Capture Aid	Authenticity; Relevance	Blume		Document is relevant to show methods the company could have used to collect suicide data prior to the death of Mr. Smith. Document also shows that the company aggregates certain terms when evaluating post marketing data concerning suicide. Plaintiff's expert Blume will testify that Defendants should have implemented a similar plan prior to the death of Mr. Smith	Document covered by stipulation of the parties: Produced by Defendants to Plaintiffs
P-2067	Zoloft web site About Zoloft – How Zoloft Works	Relevance	Trimble		Document is an admission by the company on the relationship between serotonin and depression which is one of the central issues in this litigation.	
P-2176	Jeffrey Mohan, Gabapentin and Suicide (Mar. 14, 2006)	Relevance; Rule of Completeness	Greenland		Document is complete except for appendices. This document is relevant because it was prepared for the FDA in response to the FDA's request for information concerning gabapentin and suicidality. These are central issues to this case.	
P-2781	E-mail from Larry Alphas to John Marino re: National Public Radio- NEURONTIN Story to be aired TONIGHT	Probative Value Outweighed; Relevance: Other Events	Alphas		Document shows the deliberation process of the company in responding to information concerning Neurontin and suicidality. The discussion is specifically about suicide, a central issue to this case.	

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P-2784	E-mail from Christine Aschenbach to Allison Fannon, Larry Alphs, Angela Crespo, Steve Piron, Bruce Parsons, Ellen Dukes re: PSC M	Probative Value Outweighed; Relevance	Alphs		Document is relevant because it shows that a journal were expressing concern about Pfizer employees being authors of publications. Such influencing of the medical literature is one of the central issues in the case.	
P-2799	E-mail from Atul Pande to Lloyd Knapp re: GBP in Bipolar Disorder	Irrelevant: Other indications; Probative Value Outweighed; Relevance: Marketing	Pande		Document is relevant because it shows the company specifically aware that Neurontin was not effective for bipolar disorder and that the company believed it could not get an approval. Having this knowledge, the company failed to take appropriate steps to insure the safety of this off label population. This is evidence of Defendants' recklessness. Also demonstrates that the company is aware it can be difficult to determine which drugs were effective in polypharmacy, a central issue with the Bipolar paper of Defendants' expert Dr. Robert Gibbons.	

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P-2966	E-mail from Lloyd Knapp to Drusilla Scott, Atul Pande, Stephen Gracon, Byron Scott, Robert Michael Poole re: GDRC-Nerve Conductio	Hearsay; Probative Value Outweighed; Relevance	Scott		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients of the emails are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The document is relevant because it discusses pain indications. Furthermore, it discusses how Defendants would trade with the FDA in order to obtain an approval for some form of Neuropathic pain.	
P-2971	E-mail from Meg Yoder to John Marino, Christine Grogan, Craig Glover, Suzanne Doft, Marino Garcia, Michael Rowbotham, David Probert, Allison Fannon, Steve Piron, Joan Kaplan, Angela Crespo, Leigh Anne Hemenway, Leslie Tive, Robert Glanzman, Elizabeth Muti	Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Marketing; Relevance: Publications	Alphs		The court has already ruled that marketing materials are admissible. There is no significant discussion of foreign labels. This document is relevant because it shows how Defendants were planning to expand the market. Also demonstrates that the Defendants' goals were inconsistent with on label increases in Neurontin sales. Defendants (Pfizer) have denied that off-label promotion occurred one Pfizer purchased Warner Lambert.	

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P-2972	E-mail from Nancy Mancini to Lucy Castro, Daphne Nugent Laiken, Manini Patel re: Neurontin sales information needed	Hearsay within hearsay; Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Marketing; Relevance: Other Events	Castro		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients of the emails are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D).The court has already ruled that marketing materials are admissible. There is no significant discussion of foreign labels. This document is relevant because it discusses methods used to analyzed marketing data and also discussed specific safety findings reported to regulatory agencies.	
P-2973	Presentation: Rationale for a Social Phobia Clinical Program with Neurontin,GDRC Meeting November 8, 2001	Other; Probative Value Outweighed; Relevance	Castro		Document is relevant because it shows the company's awareness of the extent of off label use of the Neurontin.	
P-3057	1998 Neurontin Tactics, Prepared 7-30-97 by Cline, Davis & Mann	Irrelevant: Other indications; Probative Value Outweighed; Relevance: Marketing	Knoop		The Court has already ruled that marketing materials are admissible. This document is relevant because it shows how the company was going to expand the market for off-label indications at the same time it did not know if the product was safe for those indications. Provides evidence of the recklessness of the company.	

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P-3129	E-mail from Suzanne Doft to XTEC Media re: NEU-0020634 Employer Ad Bd Slides	Probative Value Outweighed; Relevance	Doft		Document is relevant because it constitutes admissions concerning Neuropathic pain, mechanisms of action of Neurontin, and is also a description of the Defendant's clinical development program on pain.	
P-3133	Suzanne Doft, Individual Development Plan	Probative Value Outweighed; Relevance: Marketing	Doft		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows Defendants' attempts to expand the Neuropathic pain market for which it did not have an approval.	
P-3134	Presentation: Incremental Market Potential With An FDA Approved Indication for Neuropathic Pain	Hearsay; Probative Value Outweighed; Relevance: Marketing; Rule of Completeness	Doft		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows the belief of doctors that Neurontin had various approvals when it did not. The document is not hearsay because it was prepared at the request of Defendants and was incorporated into its files and constitutes an adoptive admission.	
P-3136	Suzanne Doft, Neurontin Marketing Team Draft, 2002 Personal Goals	Probative Value Outweighed; Relevance: Marketing	Doft		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	

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P-3138	Neurontin, Neuropathic Pain Issues in the Workplace, Meeting Report	Probative Value Outweighed; Relevance	Doft		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	
P-3412	Key Message Sign-Off Sheet – Neurontin Publication Plan Key Messages	Probative Value Outweighed; Relevance	Glanzman		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	
P-3442	Mechanisms of action: A Guide for Sales Colleagues	Probative Value Outweighed; Relevance	Glanzman		Document is relevant because it constitute Defendants' admissions concerning the mechanism of action of Neurontin, a key issue in the case.	
P-3462	Neurontin: 2001 Situation Analysis	Probative Value Outweighed; Relevance: Marketing	Marino		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion. Document also demonstrates analyses similar to that used by Plaintiffs' expert Dr. King.	

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P-3608	Presentation: Neurontin by Leslie Tive	Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Foreign Labels; Relevance: Marketing	Knapp		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D).The court has already ruled that marketing materials are admissible. There is no significant discussion of foreign labels. This document is relevant because it discusses provides an overview of the Neurontin for all aspects including marketing, regulatory, and safety.	
P-3637	Memo from Cynthia de Luise re: Neurontin PMP Team Meeting (09 May 2001) Minutes	Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing	Knapp		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The document is relevant because the PMP is a committee specifically to look at the safety of Neurontin and has nothing to do with marketing.	
P-3678	E-mail from Clare Cheng to A. Crook re: Neurontin 1997 Tactical Plan	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing	Knoop		The Court has already ruled that marketing materials are admissible. The document is not hearsay because it shows the kinds of analyses and recommendations Defendants were seeking from its independent consultants. The document is relevant because it demonstrates the marketing plans of the company.	

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P-3769	Presentation: Quarterly Brand Review Neurontin 4-98	Hearsay; Probative Value Outweighed; Relevance: Marketing	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D).The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion. Document also demonstrates analyses similar to that used by Plaintiffs' expert Dr. King. Furthermore, the document demonstrates Defendants' knowledge of the extent of the off label usage of Neurontin.	

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P-3772	Global Development Review Committee Meeting, September 19, 2001	Hearsay within hearsay; Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Marketing; Relevance: Other Events	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D) The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	
P-3773	Presentation: Rationale for an Expanded DPN Clinical Program with Neurontin	Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D) The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	

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P-3777	John Marino 2001 Goals	Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Foreign Labels; Relevance: Marketing	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D) The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	
P-3778	John Marino OP2002 Goals	Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Foreign Labels; Relevance: Marketing	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D) The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	

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P-3779	WW Neurontin Team 2003 Goals	Hearsay within hearsay; Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Marketing	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	
P-3780	Letter from Norm Phillips, Vice President Physicians' World Communications Group to John Marino re: contract with group in Morris	Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing; Rule of Completeness	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	
P-3849	FDA Alert: Information for Healthcare Professionals Suicidality and Antiepileptic Drugs	Probative Value Outweighed; Relevance: New Warning; Rule of Completeness	Blume; Maris; Trimble	P	The court has already ruled that these materials are admissible.	

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P-3850	FDA Alert: Information for Healthcare Professionals Suicidality and Antiepileptic Drugs	Authenticity; Probative Value Outweighed; Relevance; Relevance: New Warning; Rule of Completeness	Greenland	P	The court has already ruled that these materials are admissible.	Document covered by stipulation of the parties: FDA Document from FDA Web Site
P-3851	Record of FDA Contact, Report Outcome of FDA Gabapentin NDA acceptability to file review meeting of 3-11-92	No Objection	McCormick;			
P-3852	Memo from V. Trudeau to R. Delong re: Follow-up Adverse Event Report	Hearsay; Probative Value Outweighed; Relevance: Other Events	McCormick	S	The courts ruling on anecdotal adverse events does not apply. This is an adverse event from the clinical trials before approval. Such events were not the subject of the Defendants motion in limine. The document is a business record of a regularly conducted activity of Defendants and is excepted from hearsay under F.R.E. 803(6). Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D) (that the adverse event was expected). It is relevant because it establishes that the company received a report of severe depression and suicidal ideation which in 1990, Defendants felt was expected.	

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P-3853	Presentation: Suicidality and Anti-Epileptic Drugs: Status of Clinical Trial Data Analysis by Evelyn Mentari MD	Hearsay; Non-final agency finding; Probative Value Outweighed; Relevance	McCormick		Document is the public records of a regularly conducted activity of a governmental agency and is excepted from hearsay under F.R.E. 803(8). Court has previously ruled the evidence is admissible (ECF 199). The document is relevant because the FDA is discussing suicidality and Neurontin.	
P-3854	Affidavit of David Franklin PhD	Authenticity; Hearsay; Probative Value Outweighed; Relevance: Plea	McCormick		Proper foundation for the document will be laid during the testimony of Dr. Franklin.	Document will be authenticated by a testifying witness
P-3855	Client Register, Shook, Hardy & Bacon LLP	Hearsay; Probative Value Outweighed; Relevance	McCormick		Document is not hearsay because it is the records identified by witness Cynthia McCormick concerning payments she received from Defendants' counsel for her testimony. It is relevant to show bias of the witness.	
P-4062	Marketing Assessment Neurontin in Neuropathic Pain and Spasticity	Relevance: Marketing	Taylor		The court has ruled that marketing material is relevant. Document demonstrates the marketing plan for Neuropathic pain at a time when Defendants did not have an approval.	
P-4081	Parke-Davis Pharmaceutical Research Division of Warner-Lambert Company Research Report Title: Gabapentin Adjunctive Treatment in	Irrelevant: Other indications	Pande		Document is relevant because it shows that the company was aware that Neurontin was not effective for Neuropathic pain, yet did not publish these results until long after. Also demonstrates Defendants new the drug was ineffective and when combined with lack of knowledge of safety and increasing sales for this indication demonstrates the recklessness of the company.	

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P-4147	Declaration of Cheryl Blume, PhD	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Other Events	Blume		As per stipulation of the parties, Plaintiffs' agree that the entire declaration will not be offered into evidence, but may seek to introduce specific graphs and charts. These charts are created under F.R.E. rule 1006 from data in the possession of the company or publicly available data equally available to the parties and for which the parties have entered into a stipulation. The charts are not hearsay because they are based either upon the data in maintained by the company in the routine course of business or by the FDA in its routine course of business. Furthermore, the charts are being introduced for notice.	
P-4159	Declaration of Keith Altman	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Marketing; Relevance: Other Events	Blume		As per stipulation of the parties, Plaintiffs' agree that the entire declaration will not be offered into evidence, but may seek to introduce specific graphs and charts. These charts are created under F.R.E. rule 1006 from data in the possession of the company or publicly available data equally available to the parties and for which the parties have entered into a stipulation. The charts are not hearsay because they are based either upon the data in maintained by the company in the routine course of business or by the FDA in its routine course of business. Furthermore, the charts are being introduced for notice.	

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P-4207	Gabapentin Mechanism Work Group – Team Charter, September 5, 2000	Authenticity; Hearsay	Scott		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D)	Document covered by stipulation of the parties: Produced by Defendants to Plaintiffs: Document is identical to Pfizer_CTaylor_00 12843
P-4208	Email from John Marino re: Neurontin Labeling – Ground Rules and Agenda – Meeting May 22	Hearsay within hearsay; Probative Value Outweighed; Relevance	Scott		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document is relevant to show labeling negotiations between the company and the FDA.	
P-4209	Email from Drusilla Scott re: Neurontin PHN sNDA	Hearsay within hearsay; Relevance	Scott		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document is relevant to show labeling negotiations between the company and the FDA. Also discusses mechanism of action which is a key issue in this case.	

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P-4212	Letter from Lisa Stockbridge to Lucy Castro re: a model for Neurontin that is in violation of the Federal Food, Drug, and Cosmeti	Probative Value Outweighed; Relevance: Marketing	Scott		Document is the public records of a regularly conducted activity of a governmental agency and is excepted from hearsay under F.R.E. 803(8). Document is relevant to show that Pfizer was also engaging in marketing conduct found by the FDA to be violative of regulations. This contradicts Defendants' testimony that Pfizer did not engage in improper marketing conduct.	
P-4286	Review and Evaluation of Clinical Data, NDA 20-235 Indication: Refractory Epilepsy, January 31, 1992	Hearsay; Hearsay within hearsay; Non-final agency finding; Probative Value Outweighed; Relevance	Teicher		This is a duplicate of P-2003. Document listed by Defendants as DX7563. Document is the records of a regularly conducted activity of a governmental agency and is excepted from hearsay under FRE 803(6) and FRE 803(8). This document is relevant because it contains a summary of the FDA's review of the safety of Neurontin at the time of the initial approval.	
P-4287	Letter from Lisa Stockbridge to Andrea Garrity re: a slim jim for Neurontin that is misleading and in violation of the Federal Fo	Authenticity; Probative Value Outweighed; Relevance: Marketing	Teicher		Document is the public records of a regularly conducted activity of a governmental agency and is excepted from hearsay under F.R.E. 803(8). Document is relevant to show that Pfizer was also engaging in marketing conduct found by the FDA to be violative of regulations. This contradicts Defendants' testimony that Pfizer did not engage in improper marketing conduct.	Document covered by stipulation of the parties: Letter on FDA letterhead with attachments

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4288	Letter from Lisa Stockbridge to Lucy Castro re: a model for Neurontin that is in violation of the Federal Food, Drug, and Cosmeti	Authenticity; Probative Value Outweighed; Relevance: Marketing	Teicher		Document is the public records of a regularly conducted activity of a governmental agency and is excepted from hearsay under F.R.E. 803(8). Document is relevant to show that Pfizer was also engaging in marketing conduct found by the FDA to be violative of regulations. This contradicts Defendants' testimony that Pfizer did not engage in improper marketing conduct.	Document covered by stipulation of the parties: Letter on FDA letterhead with attachments
P-4289	Settlement Agreement and Release between the United States of America and Pfizer and Warner-Lambert	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing; Relevance: Plea	Teicher		The court has already ruled that these documents are admissible. (ECF 199). Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D).	
P-4290	United States of America v Warner Lambert Company General Allegations	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing; Relevance: Plea	Teicher	O		

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4291	Neurontin: 1998 Situation Analysis	Probative Value Outweighed; Relevance: Marketing	Teicher		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion. Document also demonstrates analyses similar to that used by Plaintiffs' expert Dr. King.	
P-4292	Email from Elaine Vennard to The Hallelujah Core Team re: Hallelujah Core Team Meeting Minutes – 2-27-01	Hearsay within hearsay; Probative Value Outweighed; Relevance	Teicher		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document impeaches the witness' testimony that he was not involved with Neurontin.	
P-4293	Development Request, Category: Sleep (New), Type of Project: Rx to OTC Switch, Date: March 31, 2003	Probative Value Outweighed; Relevance: Marketing	Teicher		Document impeaches the witness' testimony that he was not involved with Neurontin.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4294	Neurontin: 2001 Operating Plan Executive Summary	Hearsay within hearsay; Privilege; Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Marketing	Teicher		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion. Document also demonstrates analyses similar to that used by Plaintiffs' expert Dr. King.	
P-4295	Memo from Mi Dong to Neurontin (Anticonvulsant) Development Team re: Minutes – May 22, 1997, Neurontin Development Team Meeting	Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Marketing; Relevance: Other Events	Teicher		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion. Document also demonstrates analyses similar to that used by Plaintiffs' expert Dr. King.	
P-4324	Pfizer Consultants Meeting September 6, 2001	Hearsay within hearsay; Probative Value Outweighed; Relevance	Tive		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4384	Memo from O. Brandicourt re: Neurontin Marketing Assessment	Probative Value Outweighed; Relevance: Foreign Labels	Marino;		The court has ruled that marketing material is relevant. Document demonstrates the marketing plan for Psychiatric Indications at a time when Defendants did not have an approval.	
P-4385	Memo from Mi Dong to Neurontin (Anticonvulsant) Development Team re: Minutes, November 9, 1994, Neurontin Development Strategy Meeting	Relevance	Taylor		The court has ruled that marketing material is relevant. Document demonstrates the marketing plan for Psychiatric Indications at a time when Defendants did not have an approval.	
P-4397	Presentation: Neurontin Publications Subcommittee Current Status and 2002 Plans	Hearsay; Hearsay within hearsay; Other; Probative Value Outweighed; Relevance: Marketing	Glanzman		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how the company was using scientific publications to influence the medical community with the appropriate disclosures of safety information.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4528	Parke-Davis Memorandum: Meeting Minutes, March 14, 1995, Neurontin Development Team Meeting	Hearsay; Hearsay within hearsay; Irrelevant: Other indications; Probative Value Outweighed; Relevance: Marketing	Pande		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication.	
P-4550	1998 Neurontin Tactics	Authenticity; Hearsay; Probative Value Outweighed; Relevance: Marketing	Knoop		The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication. Pfizer argues it never engaged in off-label promotion. Document also demonstrates analyses similar to that used by Plaintiffs' expert Dr. King.	Document has a Bates number from Defendants and is covered by stipulation of parites

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4581	Official research report from 945-15 Warner-Lambert. (5/8/1990) Adverse Event Information, Patient 945-15-01 #001 RWB. Parke-Davis Pharmaceutical Research Division, Warner-Lambert Company. 101-103, 118, 121, 127.	Authenticity; Probative Value Outweighed; Relevance	Blume	S	The courts ruling on anecdotal adverse events does not apply. This is an adverse event from the clinical trials before approval. Such events were not the subject of the Defendants motion in limine. The document is a business record of a regularly conducted activity of Defendants and is excepted from hearsay under F.R.E. 803(6). Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). It is relevant because it establishes that the company received a report of severe depression and suicidal ideation which in 1990, Defendants felt was expected. In addition, the report is a well documented dechallenge/rechallenge report that was specifically allowed as part of the MDL Court's ruling in Daubert	Document covered by stipulation of the parties: Produced by Defendants to Plaintiffs.
P-4712	FDA FOI Documents for Neurontin NDA Approval	Hearsay; Hearsay within hearsay; Non-final agency finding; Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Other Events	Blume		Document is the public records of a regularly conducted activity of a governmental agency and is excepted from hearsay under F.R.E. 803(8). This document is relevant because it contains a summary of the FDA's review of the safety of Neurontin at the time of the initial approval.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4759	Periodic Safety Update Report Gabapentin February 1, 2003 through January 31, 2004	Relevance: Foreign Labels; Relevance: Other Events	Blume		Document is relevant because it constitutes a summary of the safety of Neurontin as prepared by Defendants and serves as notice. Document is also demonstrative of the methods used by Defendants in reviewing the safety of Neurontin.	
P-4765	Research Report No: RR 4192-0166	Relevance	Blume; Trimble		Document is highly relevant. Shows that Defendants observation supports Plaintiffs' general causation theory concerning mechanism of action. Furthermore, constitutes notice to the Defendants.	
P-4848	Email sent to Elizabeth Mutisya from John Marino re: POPP Study	Hearsay within hearsay; Probative Value Outweighed; Relevance	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document demonstrates Defendants suppression of negative information and knowledge that Neurontin is minimally effective in certain indications.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4853	Neurontin 2001 US Operating Plan	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Marketing; Relevance: Other Events	King	P	Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Pfizer was planning to expand the Neuropathic pain indication at a time when it did not have a broad indication.	
P-4857	Email sent from Larry Alphs re: Minutes from NeP expert panel	Hearsay within hearsay; Relevance	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document is relevant to show how the company was trying to tailor the way that information was kept to protect such information from exposure during legal proceedings. Relevant to the credibility of Defendants.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4863	Fax transmittle of Exploratory Development Plan for Psychiatric Indications for Gabapentin	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Foreign Labels; Relevance: Marketing	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. The document is relevant because it shows the Defendants were planning to expand into psychiatric indications almost immediately after launch. This demonstrates Defendants' recklessness since it was aware that the drug could be causing suicidal behavior.	
P-4864	Email sent from Elizabeth Mutisya re: GBP-post amputation pain	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Marketing; Relevance: Other Events	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document demonstrates Defendants suppression of negative information and knowledge that Neurontin is minimally effective in certain indications.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4874	Email sent from John Marino to Elizabeth Mutisya re: POPP Study	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Marketing	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document demonstrates Defendants suppression of negative information.	
P-4876	Email sent from Judy Brown re: 25 and 26 Studies	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document demonstrates Defendants suppression of negative information.	
P-4877	Email sent to Leslie Tive from John Marino re: 224 Study	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Foreign Labels; Relevance: Marketing; Rule of Completeness	Marino		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document demonstrates Defendants suppression of negative information.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-4887	Parke-Davis Memorandum: Meeting Minutes, March 14, 1995, Neurontin Development Team Meeting	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing	Pande		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. Document shows the plans for Defendants to expand the Neurontin marketing into areas for which safety was unknown.	
P-4889	1998 Neurontin Tactics	Hearsay; Probative Value Outweighed; Relevance: Marketing	Knoop		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. The document is relevant because it shows how Defendants were planning to expand the Neuropathic pain use.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-5150	Parke-Davis Memorandum: Neurontin Marketing Assessment	Hearsay within hearsay; Probative Value Outweighed; Relevance: Marketing	Marino;		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The court has ruled that marketing material is relevant. Document demonstrates the marketing plan for Psychiatric Indications at a time when Defendants did not have an approval.	
P-5135	Email sent from Drusilla Scott re: Neurontin PHN SNDA; status and labeling	Hearsay; Rule of Completeness	Knapp		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document is relevant to show labeling negotiations between the company and the FDA.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-5174	Email sent to Michelle Mays from Leslie Tive re: Neurontin Information	Hearsay; Probative Value Outweighed; Relevance: Marketing	Teicher		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. Document is relevant because it demonstrates that Neurontin's sales have been driven by anecdotal reports and not clinical studies. It further shows Pfizer's plan to market Neurontin for numerous off-label indications, contradicting the testimony of Defendants' witnesses.	
P-5187	PPT slides	Foundation; Hearsay; Rule of Completeness	Teicher		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. Document is relevant because it demonstrates that Neurontin's sales have been driven by anecdotal reports and not clinical studies. It further shows Pfizer's plan to market Neurontin for numerous off-label indications, contradicting the testimony of Defendants' witnesses.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-5190	Periodic Safety Update Report Gabapentin February 1, 1998 through January 31, 2003	Hearsay within hearsay	Blume		Document is relevant because it constitutes a summary of the safety of Neurontin as prepared by Defendants and serves as notice. Document is also demonstrative of the methods used by Defendants in reviewing the safety of Neurontin.	
P-5285	Parke-Davis Memorandum: Selected Physician Titration Analysis	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Marketing	Ford		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible. Document demonstrates Defendants promoting the drug at higher dosages than approves.	
P-5349	GBP FOI DOCUMENTS	Hearsay; Hearsay within hearsay	Taylor		Document is the public records of a regularly conducted activity of a governmental agency and is excepted from hearsay under F.R.E. 803(8). This document is relevant because it contains a summary of the FDA's review of the safety of Neurontin at the time of the initial approval.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-5354	Investigator Brochure	Hearsay; Probative Value Outweighed; Relevance; Relevance: Foreign Labels	Trimble		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document is relevant as this is the package insert provided to clinical investigators.	
P-5373	Neurontin Capsules, Tablets and Oral Solution	Hearsay; Probative Value Outweighed	Scott		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document is the label for Neurontin as of 1999 and is also on Defendants' exhibit list as DX7014	
P-5392	Undated partial notes re pharmcovigilance.	Hearsay; Probative Value Outweighed; Relevance: Marketing; Completeness	Blume		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document is dated 3/15/2001 from the page before Pfizer_MHauben_0000122. Document is also on the Defendants list as DX7161 and is comment by Defendants' expert Dr. Ruggieri in his witness statement at page 13.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-5423	PMO-Pillar Training	Hearsay; Probative Value Outweighed; Relevance: Marketing	Teicher		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). The Court has already ruled that marketing materials are admissible	
P-5747	USA vs. Warner-Lambert Company LLC: Information	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Plea	Taylor	O		
P-5748	Judgement for USA vs. Warner-Lambert Company LLC	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance: Plea	Taylor		The court has already ruled that this document is admissible (ECF 199)	
P-5752	Email (January 16, 2003) from John Marino_subj: National Public Radio- Neurontin Story to be aired Tonight	Hearsay within hearsay; Probative Value Outweighed	Taylor		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document shows the deliberation process of the company in responding to information concerning Neurontin and suicidality. The discussion is specifically about suicide, a central issue to this case.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-5753	Chart: GABA Elevation Does Not Predict Mechanism of Action or Effects	Authenticity; Hearsay	Taylor		Base chart was prepared by Defendants' expert Charles Taylor.	Document will be authenticated by a testifying witness
P-5777	Narrative Review: The Promotion of Gabapentin: An Analysis of Internal Industry Documents	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance; Relevance: Marketing	King		Plaintiffs agree that the entire journal article will not be offered into evidence.	
P-5791	Chart of Gabapentin Reporting Rates	Foundation; Probative Value Outweighed; Relevance; Rule of Completeness	Blume		This is a chart prepared by the Defense's using Defendants own data. Dr. Blume opines that it demonstrates signals prior to the death of Mr. Smith. Furthermore, it validates the charts prepared by Dr. Blume since it graphs percentages as well as aggregates terms related to suicidality. It also constitutes an admission by the Defendants.	
P-5800	Email from Wohlberg to Rodriguez Re: Social phobia	Hearsay; Hearsay within hearsay; Probative Value Outweighed; Relevance	Blume		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document demonstrates that prior to the purchase of Warner Lambert, Pfizer employees viewed Neurontin as Snake Oil. Rebutts claims by Defendants that Neurontin was effective for the broad indications claimed.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-5809	Email from Wohlberg to Brandicourt re: FDA teleconference	Probative Value Outweighed; Relevance; Relevance: New Warning	Blume		Document shows the deliberation process of the company in responding to information concerning Neurontin and suicidality. The discussion is specifically about suicide, a central issue to this case. Also demonstrates that the FDA told Defendants that it would not accept a label that said "may increase the risk of suicide" and insisted on a label that says "increases the risk of suicide".	
P-5858	Email sent from John Marino October 16, 2001 re: Gabapentin Neuropathic Pain Indication	Hearsay within hearsay	Scott		Document is records of regularly conducted activities of Defendants and is excepted from hearsay under F.R.E. 803(6). The authors and recipients are employees of Defendant. Furthermore, the document is not hearsay because it constitutes admissions by the Defendants under F.R.E. 801(d)(2)(A)-801(d)(2)(D). Document demonstrates Defendants' deliberations with the FDA concerning indications for Neurontin in neuropathic pain.	
P-5869	Antiepileptic drugs and risk of suicide: a nationwide study. Olesen et al. Pharmaceutical and Drug Safety 2010.	Hearsay; Hearsay within hearsay; Untimely for expert reliance; no statistically significant	Blume; Maris; Greenland; Trimble		Plaintiffs agree that the entire journal article will not be offered into evidence.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-5870	Anticonvulsant Medications and the Risk of Suicide, Attempted Suicide, or Violent Death. Patorno et al. JAMA 303:14 1401	Hearsay; Hearsay within hearsay; Untimely for expert reliance; exploratory only study and not reliable methodology to prove association and/or causation	Blume; Maris; Greenland; Trimble		Plaintiffs agree that the entire journal article will not be offered into evidence.	
P-N/A	Brawek article: Differential modulation of K+-evoked 3H-neurotransmitter release from human neocortex by gabapentin and pregabalin, Naunyn-Schmiedeberg's Arch Pharmacol (2008)	Not on Exhibit List	Blume; Trimble		As a matter of course, consistent with Rule 26(a)(3), Plaintiffs did not include journal articles per se on an exhibit list because the exhibit list is meant to reflect those exhibits to be formally admitted into evidence. Plaintiffs did not intend to formally offer journal articles into evidence. However, an expert's reliance and discussion of scholarly articles is appropriate under FRE 803 (Learned Treatises) even where the journal article itself -- as an exhibit -- is not to be formally admitted into evidence.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-N/A	Brown and Linoila's article: CSF serotonin metabolite (5-HIAAA) studies in depression, impulsivity and violence, in Journal of Clinical Pscyhiatry (1990)	Not on Exhibit List	Trimble		As a matter of course, consistent with Rule 26(a)(3), Plaintiffs did not include journal articles per se on an exhibit list because the exhibit list is meant to reflect those exhibits to be formally admitted into evidence. Plaintiffs did not intend to formally offer journal articles into evidence. However, an expert's reliance and discussion of scholarly articles is appropriate under FRE 803 (Learned Treatises) even where the journal article itself -- as an exhibit -- is not to be formally admitted into evidence.	
P-N/A	Asberg and Shalling's article titled: Psychobiology of suicide, impulsivity, and related phenomena. In the textbook of Psychopharmacology: Third Generation of Progress (1987).	Not on Exhibit List	Trimble		As a matter of course, consistent with Rule 26(a)(3), Plaintiffs did not include journal articles per se on an exhibit list because the exhibit list is meant to reflect those exhibits to be formally admitted into evidence. Plaintiffs did not intend to formally offer journal articles into evidence. However, an expert's reliance and discussion of scholarly articles is appropriate under FRE 803 (Learned Treatises) even where the journal article itself -- as an exhibit -- is not to be formally admitted into evidence.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-N/A	Mayeux, Stern and Williams article titled: Altered serotonin metabolism in depressed patients with Parkinson's disease, in Journal of Neurology (1984).	Not on Exhibit List	Trimble		As a matter of course, consistent with Rule 26(a)(3), Plaintiffs did not include journal articles per se on an exhibit list because the exhibit list is meant to reflect those exhibits to be formally admitted into evidence. Plaintiffs did not intend to formally offer journal articles into evidence. However, an expert's reliance and discussion of scholarly articles is appropriate under FRE 803 (Learned Treatises) even where the journal article itself -- as an exhibit -- is not to be formally admitted into evidence.	
P-N/A	1/30/03 Email from Allison Fannon to Douglas Shapiro re: YOUR APS POSTER	Not on Exhibit List	Alphs		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	2002 PDR Supplement B Neurontin Entry	Not on Exhibit List	Castro		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	9/13/96, 8/22/96, 8/26/96, 9/9/96 Letters to Franklin from Johnson	Not on Exhibit List	Franklin		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-N/A	3/96-7/96 Calendar with witness's handwriting notations	Not on Exhibit List	Franklin		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	11/6/1995 Non-Epileptic Uses of Gabapentin Consultant Meeting Key Learnings	Not on Exhibit List	Ford		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	Robert Glanzman Job Profile	Not on Exhibit List	Glanzman		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	4/25/01 Letter from Drusilla Scott re: Labeling Review for Proposed US Package Insert for Neurontin Neuropathic Pain Supplemental NDA	Not on Exhibit List	Knapp		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	October 2001 Assessment of Psychiatrist Usage of Anti-Convulsant Medications	Not on Exhibit List	Knapp		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	

Exhibit	Document Description	Defendants' Objections	Expert Statement or Deposition Designation	Impact of Court's MIL Rulings	Plaintiffs' Response	Authenticity Response
P-N/A	11/8/95 Memo from John Marino to Edda Guerro re: Neurologists Who Specialize in the Treatment of PAIN	Not on Exhibit List	Marino		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	Neurontin Publication Subcommittee Review	Not on Exhibit List	Pande		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	Slide Presentation: The Making of a Champion	Not on Exhibit List	Pippin-Moreland		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	Email from Jeffrey Dodd re: Q&A Backgrounder on suicide issue for distribution to PD2, Vista RX and Neurology	Not on Exhibit List	Pippin-Moreland		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	
P-N/A	Early version of P-5753	Not on Exhibit List	Taylor		Document was inadvertently left off list. Defendants have not been prejudiced as the video clip was identified discussing the exhibit. Plaintiffs' seek leave to add this exhibit so that it may be shown while the clip is being played.	

Dated: May 13, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of May, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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